IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17846 OF 2005

Dated : 11th August, 2005

Between:

Bandaru Venkateswara Rao

Petitioner

AND

The Mandal Revenue Officer, Iragavaram Mandal,

West Godavari District and another.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17846 OF 2005

ORAL ORDER:

Aggrieved of not passing in order on the appeal No.1997/2005 by the

second respondent filed by the petitioner, aggrieved of the proceedings No. ROC No. 128/2005 dated 5.6.2005 by the first respondent herein, the petitioner filed this writ petition.

The case of the petitioner is that he purchased an extent of Ac.0.26 cents in RS No. 42/2 of Kannaya Kumudavalli village and the Tehsildar has struck down the non-alienable clause at the time of assignment, in patta vide LD File No. 17/1383. It is further asserted that since the date of purchase, the petitioner is in use and occupation of the land. But the first respondent without considering the reply submitted by the petitioner to the Form I No. 1 notice, issued proceeding in Roc No. 128 of 2005 dated 4.6.2005, declaring the petitioner as an encroacher. An appeal being No. 1997/2005 was filed before the 2nd respondent and since no stay order is passed therein, the petitioner filed this writ petition.

Having regard to these facts and circumstances, without going into merits or otherwise of the issue, since Appeal No. 1997 of 2005 is pending before the 2nd respondent, I deem it appropriate to direct the 2nd respondent to dispose of the appeal itself within a period of twelve weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioner. Till such time, the respondents are directed not to dispossess the petitioner form the land in question. With this direction the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 11, 2005

MAS